



**Policy:** 2010  
**Procedure:** 2010.01  
**Chapter:** Human Resources  
**Rule:** Employee Substance Abuse Testing

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#### **Purpose:**

The Arizona Department of Juvenile Corrections (ADJC) establishes a standard to maintain a drug and alcohol free workplace. The use of illegal drugs, abuse of prescription drugs, and alcohol abuse shall not be tolerated. To promote a healthy and safe environment for its employees and the committed juveniles the Department has established Drug Free Workplace Program. The program includes a post offer testing as a condition of employment and an employee voluntary/self initiated drug and alcohol testing. All employees are subject to reasonable suspicion drug and alcohol testing.

#### **Rules:**

1. The **DEPARTMENT'S HUMAN RESOURCES ADMINISTRATOR OR DESIGNEE** shall ensure that all recruitment related material such as letters, publications, newspaper advertisements, Arizona State Service Job Opportunity Announcements, job application forms, and job fair notices include a statement regarding the pre-employment drug testing requirements. Applicants shall be provided a general information sheet regarding the drug screening requirements.
2. The **PROCUREMENT ADMINISTRATOR OR DESIGNEE** shall ensure that all applicable contracts with the Department include a statement which requires contractors to comply with the Department's Drug Free Workplace Program. Any provision violations of this procedure by a contractor shall be grounds for termination of service provider's contract.
  - a. Upon award of a contract or contract renewal, **CONTRACTORS** shall have contractor applicants and/or employees drug tested in accordance with the department's Drug-Free Workplace Policy 2010 and this Procedure.

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#### 3. Scope Of Program:

- a. The **DEPARTMENT** shall conduct:
  - i. Post offer drug testing for designated positions to include:
    - (1) New hires;
    - (2) Reinstatement and re-employment;
  - ii. Reasonable suspicion drug and/or alcohol testing for all employees;
  - iii. Voluntary/self initiated drug/alcohol testing.
- b. The **DEPARTMENT** shall test for the following classes of drugs:
  - i. Cannabinoids (Marijuana);
  - ii. Cocaine (Benzoyllecgonine);
  - iii. Amphetamines (Amphetamine/Methamphetamine);
  - iv. Opiates (Heroin/Codeine/Morphine);
  - v. Phencyclidine (PCP).
- c. The **DEPARTMENT** shall include in their testing methods the following:
  - i. Drug Testing - A urine specimen is provided by the candidate or employee to a contracted certified collector at the collection site;
  - ii. Alcohol Testing - To be performed by a contracted certified Breath Alcohol Technician using breath testing equipment or performed by an Arizona Department of Health Services (ADHS) approved operator, procedures and evidentiary devices at the collection site.

#### 4. Pre-Employment Drug/Alcohol Testing General Information:

- a. The **DEPARTMENT** mandates that Pre-Employment Post Offer Drug Testing is a requirement for all designated positions;
- b. Following a conditional offer of appointment and prior to assuming the duties of the position, the **CANDIDATE** shall successfully pass the required drug test.
- c. The **EMPLOYMENT UNIT MANAGER OR DESIGNEE** shall give official written notice to the candidate of the drug test requirements;
- d. The **EMPLOYMENT UNIT MANAGER OR DESIGNEE** shall direct the candidate to report for drug testing;
- e. The **CANDIDATE** shall sign the Form 2010.01A Pre-employment Drug Test Consent and Release of Liability prior to testing.
  - i. The **EMPLOYMENT ANALYST OR DESIGNEE** shall retain a signed copy of the Pre-Employment Drug Test Consent and Release of Liability Form;
  - ii. The **EMPLOYMENT ANALYST OR DESIGNEE** shall forward a signed copy of the form to the workplace unit;
  - iii. The **CANDIDATE** shall provide the original form to the collection site representative.
- f. The **EMPLOYMENT ANALYST OR DESIGNEE SCHEDULING THE TEST** shall notify the candidate to report to a collection facility:
  - i. That the **DEPARTMENT** shall pay for the cost of drug testing;
  - ii. Of the Department's drug testing procedures upon receipt of a conditional offer of employment;
  - iii. That the required drug test shall be taken within **48** hours of being notified by the Employment Analyst or designee to report to a collection facility;
  - iv. That the **CONTRACT SERVICE PROVIDER** shall provide a laboratory chain-of-custody form for completion at the collection site;
  - v. That the results of his/her drug test shall be forwarded directly to the Drug-Free Workplace Administrator or designee.
- g. The **DEPARTMENT** shall deny employment to a candidate as a result or combination of:
  - i. A confirmed positive drug test;
  - ii. Refusal to submit to a drug test or to sign the consent forms;
  - iii. Tampering with any part of the drug testing process, to include records and/or the specimens;
  - iv. Providing an adulterated or substituted specimen;
  - v. Providing two consecutive diluted specimens;

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- vi. Failure of the candidate to report for a drug test at the scheduled time or for any unreasonable delay in reporting to the collection site;
- vii. Failure to provide sufficient urine for testing;
- viii. Refusal to allow the collection site person to measure his/her body temperature when the temperature of the urine is outside the acceptable temperature range.
- h. **CANDIDATES** who violate any of the above-mentioned provisions and/or tested positive and were denied employment may apply/reapply for any department position after 12 months;
- i. **CANDIDATES** who fail to report for the drug test within the mandatory 48 hour period and have an acceptable reason for not reporting shall contact the employment analyst or designee within 72 hours for review and rescheduling;
- j. The **EMPLOYMENT ANALYST OR DESIGNEE** shall consult with the Drug-Free Workplace Administrator prior to rescheduling the drug test.
  - i. The rescheduling of a drug test may be approved after consideration of the circumstances for an applicant not reporting to the drug test.

#### 5. Drug Test Results:

- a. THE **DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall maintain all automated test results;
- b. If a candidate is denied employment the **EMPLOYMENT ANALYST OR DESIGNEE** shall notify the candidate in writing that the conditional offer of employment is revoked;
- c. The **EMPLOYMENT ANALYST OR DESIGNEE** shall notify the Drug-Free Workplace Unit of all revoked conditional offers of employment due to failure of drug testing compliance;
- d. The **DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall track candidates who have been denied employment to ensure that re-application time frames are met;
- e. The **EMPLOYMENT ANALYST OR DESIGNEE** shall notify the hiring authority of the test results.

#### 6. Reasonable Suspicion Testing:

- a. The **DEPARTMENT** shall initiate testing when there is reasonable suspicion to believe that an employee has used illegal drugs and/or alcohol;
- b. **SUPERVISORS** may request an immediate drug and/or alcohol test of an employee based on objective facts and reasonable inference drawn from those facts that suggest the current use of drugs and/or alcohol. This may include, but is not limited to:
  - i. Smell of marijuana or alcohol;
  - ii. Breath and/or body odor;
  - iii. Detection by a Canine Officer;
  - iv. Carelessness or erratic behavior;
  - v. Physical appearance;
  - vi. Excessive absences;
  - vii. Poor judgment
  - viii. Behavior;
  - ix. Any such behaviors in conjunction with an accident or weapons discharge.
- c. The **EMPLOYEE'S SUPERVISOR OR SECURITY PERSONNEL** shall:
  - i. Ensure that searches be conducted in accordance with Procedure 4052.03 Searches of Employees and Visitors at Secure Facilities; Procedure 4050.11 Motor Vehicle Access to Secure Facilities; and/or Procedure 1163.01 Service Dog Program;
  - ii. Ensure that an Administrative Incident Report (AIR) Form 1160.01 D is completed immediately in accordance with Procedure 1160.01 Administrative Investigations for the following:
    - (1) Any employee possessing first hand information regarding possession, use or sale of any illegal or prescription drugs or alcohol abuse by another employee;
    - (2) Any supervisor witnessing and/or receiving information regarding an employee illegal possession, use or sale of any drug or violation of alcohol products use as defined in this Procedure;

- (3) An employee who refuses to submit to drug and/or alcohol testing.
  - iii. The **EMPLOYEE'S SUPERVISOR** shall:
    - (1) Obtain prior approval from the Superintendent, Leadership member or designee through his/her chain-of-command for a drug and/or alcohol test;
    - (2) Along with the Superintendent, Leadership member or designee, consult with the Drug-Free Workplace Administrator or designee to determine if there is sufficient evidence to support reasonable suspicion testing for drugs and/or alcohol;
    - (3) If reasonable suspicion testing is necessary after hours, on weekends, or on holidays, obtain approval from his/her Superintendent, Program Administrator, or designee and contact the Employee Relations Specialist, Drug-Free Workplace Administrator, or designee the next business day during normal business hours;
    - (4) Contact the Drug-Free Workplace Administrator or designee for a collection site;
    - (5) Drug and/or Alcohol testing shall only be conducted at contracted collection sites;
    - (6) Serve the Form 2010.01B Test Notification Order to the employee in person;
  - iv. Ensure that the employee with the Employee Test Notification Order is immediately transported to the collection site by a supervisor or security in a state owned vehicle.
  - d. **EMPLOYEES** shall submit to reasonable suspicion drug/alcohol testing;
  - e. An **EMPLOYEE REQUIRED TO SUBMIT TO REASONABLE SUSPICION DRUG AND/OR ALCOHOL TESTING** shall complete the Employee Test Notification Order form;
  - f. **SUPERVISORS** shall ensure that employees who have refused to submit to required testing are not assigned to or involved in the following activities pending the outcome of an investigation and/or discipline:
    - i. Supervising juvenile work activities;
    - ii. Transporting juveniles;
    - iii. Carrying a weapon pursuant to Arizona Peace Officer Standards and Training (AZPOST) as a peace officer
    - iv. A position authorized by the Director to carry a weapon;
    - v. As a canine handler.
  - g. The **DEPARTMENT** shall pay for costs incurred for reasonable suspicion drug and/or alcohol testing of employees.
  - h. A **COLLECTION SITE PERSON OF THE SAME GENDER** shall observe the employee when providing a reasonable suspicion urine specimen for drug testing.
- 7. **Reasonable Suspicion Alcohol Testing:**
  - a. **SUPERVISORS** shall ensure that reasonable suspicion alcohol tests occur immediately before or during the employee's duty hours on the day of the observed behaviors.
    - i. If the test was not administered within eight hours, the supervisor shall:
      - (1) Cease attempts of sending the employee for testing;
      - (2) Submit a written report giving the reasons the alcohol test was not administered.
- 8. **Alcohol Testing Procedures:**
  - a. The **EMPLOYEE SUPERVISOR** shall ensure that the employee:
    - i. Is transported to the collection site;
    - ii. Provides two photo identifications such as
      - (1) Driver's license;
      - (2) Employee photo badge; and/or
      - (3) Positive identification by escorting department representative, if applicable.
    - iii. Completes the Test Notification Order Form prior to or upon arriving at the contracted collection site.
  - b. The **COLLECTION TEST SITE** shall use Department of Transportation approved procedures, operators and Evidential Breath-Testing devices to detect and determine the concentration of alcohol from a breath specimen;
  - c. The **COLLECTION TEST SITE** shall use ADHS approved procedures, operators and evidentiary devices shall be used when an alcohol test is conducted at a law enforcement facility;

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- d. The **DEPARTMENT** shall use the following screening test of a breath alcohol concentration:
    - i. Of less than .02%, shall be considered as negative and not require further testing to be preformed;
    - ii. Of .02% or greater, shall require a confirmation test to be performed.
  - e. The **DEPARTMENT** shall consider an insufficient breath sample by the employee at the collection site as a refusal of the breath alcohol test and can lead to disciplinary action up to and including termination.
9. The **BREATH ALCOHOL TECHNICIAN** shall forward the original test results to the Drug-Free Workplace Administrator or designee in a confidential manner.
10. **Voluntary Drug/Alcohol Testing:**
- a. An **EMPLOYEE** may request a drug and/or alcohol test at any time which shall be paid for by the Department. The **EMPLOYEE** who requests a voluntary drug and/or alcohol test shall:
    - i. Request and complete the Employee Test Notification Order, Form 2010.01B, and
    - ii. Submit the form through his/her chain of command for approval.
  - b. The **SUPERINTENDENT, LEADERSHIP MEMBER OR DESIGNEE** may approve a request for a voluntary test in consultation with the Employee Relations Specialist, Drug-Free Workplace Administrator, or designee;
  - c. After approval, the **SUPERINTENDENT, LEADERSHIP MEMBER, OR DESIGNEE** shall contact the Employee Relations Specialist, Drug-Free Workplace Administrator or designee to make arrangements for a collection site;
  - d. The **EMPLOYEE** shall submit to a drug and/or alcohol test during or immediately before or immediately after his/her normal duty hours on the day that s/he received approval for a voluntary drug and/or alcohol test;
  - e. The **DEPARTMENT** shall not grant overtime to the employee who gained approval for a voluntary drug and/or alcohol test and attended a collection site immediately before or immediately after his/her normal duty hours.
11. **Specimen Collection And Testing Procedures:**
- a. Collection shall be conducted in private and shall not require or allow disrobing, unless otherwise stipulated;
  - b. Upon arrival at the collection site - The **CANDIDATE OR EMPLOYEE** shall:
    - i. Provide to the collection site personnel:
      - (1) Two photo identifications such as;
        - (a) Driver's license;
        - (b) Employee photo badge; and/or
        - (c) Positive identification by escorting department representative, if applicable.
      - (2) Social security number and/or State Employee Identification Number;
      - (3) A day and evening telephone number where they can be reached;
      - (4) A signed copy of the (Pre-Employment) Drug Test Consent and Release of Liability; or the Employee Test Notification Order form, whichever is applicable, to validate that the individual is a Department candidate or employee;
      - (5) The laboratory chain-of-custody form and specimen container, if s/he has been provided one.
    - ii. Complete the laboratory chain-of-custody form;
    - iii. Remove unnecessary garments such as jackets or coats.
      - (1) All personal belongings such as a purse or briefcase shall not be permitted in the collection area;
      - (2) The candidate or employee may retain his/her wallet.
    - iv. Wash his/her hands prior to urination;
    - v. Not have access to water, faucet, soap dispenser, cleaning agent, or any other materials which may be used to adulterate the specimen;
    - vi. Receive a clean specimen container from the collection site person;

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- vii. Provide a urine specimen to the collection site personnel.
  - (1) The urine specimen shall be equal to or greater than 45 milliliters (ml), which is approximately 1.5 ounces;
  - (2) If the specimen is less than 45 ml and/or the temperature is not within the acceptable range, this specimen shall be discarded and a second specimen collected.
- viii. Be permitted to wash his/her hands after the specimen has been provided and submitted to the collection site person.
- c. At the collection site, the **CANDIDATE OR EMPLOYEE** may drink liquids that shall not exceed a maximum of 40 ounces;
- d. The **CANDIDATE OR EMPLOYEE** shall not leave the collection site area until the drug testing process is completed.

#### 12. Insufficient Urine Specimen:

- a. If the specimen is less than the laboratory required standards and the temperature is not within the acceptable range, the **COLLECTION SITE PERSONNEL** shall discard the specimen and collect a second specimen;
- b. At the collection site, over a three hour period, the **CANDIDATE OR EMPLOYEE** may drink liquids not to exceed more than a maximum of 40 ounces or as directed by the collection site person;
- c. The **CANDIDATE OR EMPLOYEE** shall not leave the collection site area until the drug testing process is completed;
- d. If the candidate or employee refuses to provide a new urine specimen or leaves the collection site before the collection process is completed, the **COLLECTION SITE PERSON** shall:
  - i. Discontinue the collection;
  - ii. Note the incident on the Chain of Custody Form; and
  - iii. Immediately notify the Drug Free Workplace Administrator or designee.
- e. The **DEPARTMENT** shall consider failure to provide a new urine specimen or leaving the collection site before the collection process is completed as a refusal to test;
- f. If the candidate or employee does not provided a sufficient volume of the specimen within 3 hours of the first unsuccessful attempt the **COLLECTION SITE PERSON** shall:
  - i. Discontinue the collection;
  - ii. Note the incident on the Chain of Custody Form; and
  - iii. Immediately notify the Drug Free Workplace Administrator or designee.

#### 13. Immediately After Collection:

- a. The **COLLECTION SITE PERSONNEL** shall process specimens in accordance with Department of Health and Human Services (DHHS) and Substance Abuse and Mental Health Services Administration (SAMHSA) procedures;
- b. The **CANDIDATE OR EMPLOYEE** may leave the collection site, provided that a sufficient urine specimen has been collected;
- c. The **LABORATORY** shall test the specimen and ensure that the chain-of-custody is maintained;
- d. If the **COLLECTION SITE PERSONNEL** have information or suspect that the test may have been tampered with, the **COLLECTION SITE PERSONNEL** shall notify the Drug-Free Workplace Administrator or designee and document in writing the observations, information and suspicions;
- e. The **MEDICAL REVIEW OFFICER** shall review and interpret drug test results as outlined in this procedure.

- 14. The **CANDIDATE OR EMPLOYEE** may wish to keep a list of medications taken within the last 14-30 days or other medical information in conjunction with a specimen collection should a positive result be reported. The **CANDIDATE OR EMPLOYEE** shall:
  - a. Retain this information;

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- b. Not list this information on the collection site chain-of-custody form;
  - c. Not submit this information to the collection site person.
15. The **CANDIDATE OR EMPLOYEE** may submit any medical documentation to the Medical Review Officer as to his/her failure to provide a sufficient specimen.
16. **Right of Appeal for Drug Testing:**
- a. The **CANDIDATE OR EMPLOYEE** may challenge a drug test result that has been validated as positive by the Medical Review Officer;
  - b. The **CANDIDATE OR EMPLOYEE** shall, within 72 hours of notification of a positive drug test result, submit a written request to the Human Resources Administrator or designee to have the original sealed split specimen of urine retested.
    - i. The **CANDIDATE OR EMPLOYEE** may select a laboratory to perform the retest, which meets the U.S. Department of Health and Human Services (DHHS) and the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA) drug testing requirements; or
    - ii. The **CANDIDATE OR EMPLOYEE** may have the Medical Review Officer or the Drug-Free Workplace Administrator or designee assist in locating an independent laboratory;
    - iii. **THE DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall coordinate with the candidate or employee, the Medical Review Officer, and the laboratory selected by the candidate or employee for the specimen to be retested:
      - (1) The retest shall be limited to those drug(s) which tested positive;
      - (2) Degradation of the specimen may occur during storage. Therefore, there are no threshold limits which need to be satisfied for a confirmation of the original test result if the detected level of the drug or drug metabolite is below established threshold limits upon a retest;
  - c. The **CANDIDATE OR EMPLOYEE** shall be responsible for all costs at the collection site/laboratory related to a retest of the specimen.
    - i. The **CANDIDATE OR EMPLOYEE** shall make payment at the collection site or laboratory prior to the retest.
  - d. The **DEPARTMENT** shall consider the test result to be negative if the retest result is negative;
  - e. The **DEPARTMENT** shall reimburse the employee for the cost of the retest if result is negative;
  - f. The **CANDIDATE WHO WAS DENIED EMPLOYMENT** based on this procedure and who wish to appeal this action shall, within 72 hours of notification of being denied employment, submit a written request to the, Department's Human Resources Administrator or designee whose decision shall be final.
17. **Test Analysis And Reports:**
- a. The **LABORATORIES** shall utilize the DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs to include the initial and confirmation cutoff levels for all tested drug classes (Form 2010.01D Mandatory Guidelines) in determining whether a test result is positive or negative;
    - i. The laboratory shall:
      - (1) Perform an initial immunoassay test.
        - (a) If a specimen is screened as negative, no further testing of the specimen shall occur.
      - (2) Conduct confirmatory tests for specimens identified as positive on the initial test using a gas chromatography/mass spectrometry test;
      - (3) Retain positive urine specimens in a secured long-term frozen storage for a minimum of one year.

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- b. The **DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** may request the laboratory to retain the specimen for an additional period of time. If no such request is received the specimen shall be discarded.

#### 18. Dilution, Adulteration or Substitution of Drug Test Results:

- a. **LABORATORIES** shall analyze specimens for creatinine, pH, specific gravity, glutaraldehyde and adulteration products, for example bleach and nitrites, to determine whether or not values are within normal ranges;
- b. A standard adopted by the Department specifies that specimens with a specific gravity of 1.002 or greater and creatinine of 10mg/dl or greater shall be considered within normal ranges. The **DEPARTMENT** shall consider specimens below either of these values shall be considered as diluted;
- c. The **COLLECTION SITE PERSON** shall note any visual observations of unusual color and/or odor of the specimen on the chain-of-custody form and submit the specimen for laboratory testing.
  - i. If the specimen is suspect or shows signs of tampering, the **COLLECTION SITE PERSON** shall:
    - (1) Document observations on the chain-of-custody form;
    - (2) Collect second observed specimen;
    - (3) Submit both specimens for testing.
- d. The **LABORATORY AND MEDICAL REVIEW OFFICER** shall:
  - i. Confirm and validate test results when values are found outside normal ranges and forward the results to the Drug-Free Workplace Administrator;
  - ii. Consider an adulterated/substituted specimen as constituting a refusal to test;
  - iii. Not retest the split specimen of an adulterated or substituted specimen candidate or employee;
- e. The **CANDIDATE OR EMPLOYEE** shall provide an **OBSERVED** collection specimen if the specimen is validated as diluted by the Medical Review Officer;
- f. The **DEPARTMENT** shall consider the failure to retest as a refusal test;
- g. A **COLLECTION SITE PERSON OF THE SAME GENDER** shall observe the candidate or employee when providing a urine specimen for drug testing;
- h. If the laboratory and the Medical Review Officer determine that the second test specimen result is diluted:
  - i. The **DEPARTMENT** shall deny the candidate employment;
  - ii. The **EMPLOYEE** may submit a third retest if medical documentation is provided. If this test is determined to be diluted, it shall be considered as a refusal to test;
  - iii. The **MEDICAL REVIEW OFFICER** may review documentation and provide an opinion to the Human Resources Administrator or designee.

#### 19. Retest of Candidates:

- a. The **DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall notify the Human Resources Administrator or designee, in writing, if an candidate is required to retest as a condition of employment;
- b. The **HUMAN RESOURCES ADMINISTRATOR OR DESIGNEE** shall have the candidate sign a new Pre-employment Drug Test Consent and Release of Liability which the candidate shall provide to the collection site;
- c. The **HUMAN RESOURCES ADMINISTRATOR OR DESIGNEE** shall mark the Observed Collection box on the Pre-employment Drug Test Consent and Release of Liability under the appropriate category. This shall inform the collection site that the urine collection is to be observed;
- d. The **CANDIDATE** shall be required to retest within 48 hours of signing the Pre-employment Drug Test Consent and Release of Liability form;
- e. The **HUMAN RESOURCES ADMINISTRATOR OR DESIGNEE** shall advise the candidate to restrict the amount of fluids s/he drinks prior to the test.



20. **Retest of Employees:**

- a. The **DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall provide written notification to the Human Resources Administrator or designee if an employee is required to retest;
- b. The **DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall coordinate with the employee's supervisor to ensure that the employee retest is on the day the employee is notified and preferably during the employee's normal hours;
- c. The **DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall advise the employee to restrict the amount of fluids they drink prior to the test;
- d. The **DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall mark the Observed Collection box on the Employee Test Notification Order Form. This is to inform the collection site that the urine collection is to be observed.

21. **Medical Review Officer:**

- a. The **MEDICAL REVIEW OFFICER** shall:
  - i. Review and interpret results of all positive, suspicious, adulterated, substituted, or diluted laboratory drug tests to look for alternate medical explanations before results are reported to the Drug-Free Workplace Administrator or designee;
  - ii. Review explanations for tests that were not performed or were canceled. This review may include conducting a medical interview with the candidate or employee, review of the candidate's or employee's medical history, or of any other relevant biomedical factors;
  - iii. Provide the candidate or employee with an opportunity to confidentially discuss the test result and verify the candidate's or employee's statements, which may include contacting the involved pharmacist/physician;
  - iv. Coordinate a retest with the Drug-Free Workplace Administrator or designee, if there are questions as to the accuracy or validity of a test result;
  - v. Report the test result as negative if there is a legitimate medical explanation for the positive test result;
  - vi. Report the final result of the drug test in writing to the Drug-Free Workplace Administrator or designee in a confidential manner;
  - vii. Not have any vested interest with the contracted laboratory performing the urine test analysis.
- b. If a discrepancy occurs, the **MEDICAL REVIEW OFFICER** shall:
  - i. Not attempt to ascertain the factual correctness of any claim of involuntary drug ingestion by the applicant or employee;
  - ii. Not attempt to resolve conflicting factual statements;
  - iii. Report all discrepancies to the Drug-Free Workplace Administrator or designee.

22. **Reporting Test Results:**

- a. The **LABORATORY** shall produce a laboratory report for each test specimen, which shall include the specimen number, laboratory accession number, specimen identifier and code, date received and date reported. It also may list the drugs tested, the results for each drug tested and the overall results (positive or negative) or no-test for the specimen;
- b. The **LABORATORY** shall make available all negative test results to the Drug-Free Workplace Administrator or designee within 24 hours after laboratory receipt of the specimens, excluding weekends and holidays;
- c. The **LABORATORY** shall make available results from specimens testing positive by the laboratory initial screen, confirmation tests and tests verified by the Medical Review Officer shall be available within 72 hours after laboratory receipt of the specimens, excluding weekends and holidays;
- d. The **LABORATORY** shall report test results to the Drug-Free Workplace Administrator or designee by a secure and confidential means such as secure fax, phone, electronically, and/or results may be confirmed in writing.

23. **Confidentiality of Test Results and Records:**

- a. **THE DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall keep confidential all employee program files, records, testing information, results and reports relating to drug testing, to include all statistical reports created/maintained;
- b. **THE DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall make test results available to Department officials only on a need-to-know basis;
- c. The **EMPLOYEE** may obtain a copy of his/her test results by submitting a written request to the Drug-Free Workplace Administrator or designee. The request shall include:
  - i. Employee's name, social security number or employee identification number, method of receiving the test results, signature and date;
  - ii. A mailing address if the results are to be mailed.
- d. The **DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall maintain all original drug test results and electronic data;
- e. The **HUMAN RESOURCES DEPARTMENT** shall maintain validated drug test results for candidates and employees on a secure computerized data base;
- f. The **DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall notify, in writing, the candidate who has been denied employment based upon the results of a drug/alcohol test.
  - i. Denial of employment shall not be disclosed to the candidate over the telephone.
- g. The **DRUG-FREE WORKPLACE ADMINISTRATOR OR DESIGNEE** shall treat the Laboratory and Medical Review Officer reports as confidential medical records and shall not be placed in an employee's office personnel file.
- h. Unauthorized dissemination of testing information/results is prohibited and shall result in disciplinary action;
- i. **MEDICAL REVIEW OFFICER** shall contact the Drug-Free Workplace Administrator if the Medical Review Officer is unable to make contact with the candidate/employee within the specified time frame.

24. **Discipline:**

- a. The **DEPARTMENT** may subject an employee with disciplinary action up to and including dismissal in accordance with Procedure 2003.04 Employee Misconduct. The **DEPARTMENT** shall base this action upon evidence and documentation of drug and/or alcohol use which may include, but is not limited to:
  - i. Direct observation of the employee's behavior;
  - ii. Evidence obtained from an arrest or criminal convictions;
  - iii. A Medical Review Officer's verified:
    - (1) Positive drug test result;
    - (2) Adulterated or substituted urine specimen;
    - (3) Two consecutive diluted specimens, original and retest, for applicants.
  - iv. A positive breath alcohol test result;
  - v. An employee's voluntary admission to the unauthorized use of drugs and/or alcohol;
  - vi. Refusal to submit to required testing;
  - vii. Failure to report for a drug and/or alcohol test at the scheduled time or any unreasonable delay in reporting to the collection site without an excused absence;
  - viii. Tampering with any part of the drug testing process to include records or specimens;
  - ix. Failure to provide sufficient urine for testing;
  - x. Refusal to allow the collection site person to measure body temperature when the temperature of the urine is outside the acceptable temperature range.

25. **EMPLOYEES** shall cooperate fully with the Investigations and Inspections Unit and assist in any investigation in accordance with Procedure 1160.01 Administrative Investigations.

26. The **DEPARTMENT** shall subject to disciplinary action any **SUPERVISOR** who fails to properly document employee's misconduct, whether learned through investigation, learned through employees reporting to the supervisor, or actually witnessed misconduct.

27. **Employee Assistance:**

- a. **Self Initiated Assistance:** **EMPLOYEES** are encouraged and may contact the Employee Assistance Program for assistance or to obtain resource information and referral assistance;
- b. To ensure compliance with the Federal Drug-Free Workplace Act of 1988, the **DEPARTMENT** shall ensure the following procedures are followed:
  - i. Any **EMPLOYEE CONVICTED OF A VIOLATION OF ANY CRIMINAL STATUTE RELATING TO ILLEGAL DRUG ACTIVITY DURING THEIR COURSE OF EMPLOYMENT** shall submit a report documenting the relevant circumstances of the conviction, to his/her supervisor within **5 days** of such conviction;
  - ii. If an **EMPLOYEE** fails to submit the required report, the **IMMEDIATE SUPERVISOR** shall, within **2 days** of notification or of personal knowledge of a conviction, prepare a written report and notify the Director or designee through his/her chain of command.

28. **Implementation:**

Within 60 days of the effective date of this procedure the **STAFF DEVELOPMENT AND TRAINING DIVISION** shall:

- a. Develop and coordinate Department sponsored substance abuse awareness training for all employees and supervisors.
- b. Provide employees and supervisors directly impacted by this procedure first priority in training;
- c. Provide all employees a copy of the Form 2010.01C Drug-Free Workplace Employee Drug and Alcohol Acknowledgment during training.
  - i. The **EMPLOYEE** shall sign and return the acknowledgement form to the instructor.
  - ii. The **INSTRUCTOR** shall send the form to the Central Office Human Resources Office for placement into employee's Personnel File.
- d. Include in the employee training:
  - i. Identification of the signs and symptoms of a drug or alcohol problem;
  - ii. Review of the Drug Free Workplace Policy and Substance Abuse Testing Procedure;
  - iii. Referral resources available through the Employee Assistance Program.
- e. Include in the supervisor training:
  - i. Identification of the signs and symptoms of a drug or alcohol problem;
  - ii. Supervisor's/Manager's role in Drug-Free Workplace Program;
  - iii. Documentation of employee substance abuse;
  - iv. Review of the Drug Free Workplace Policy and Substance Abuse Testing Procedure;
  - v. The use of required forms;
  - vi. Referral resources available to employees through the Employee Assistance Program.

Effective Date:	Approved by Process Owner:	Review Date:	Reviewed By:
03/10/06	Michael D. Branham		